

**Regular Session Minutes – Selectmen’s Meeting
Selectmen’s Meeting Room, Town Hall
Monday, January 12, 2015, 7:30 p.m.**

PRESENT: Margot R. Fleischman, Chair; William S. Moonan; Caroline Fedele; Michael A. Rosenberg; Mark Siegenthaler; and Town Manager Richard T. Reed

ALSO PRESENT: Ken’s NY Deli owners John Cronin, Maria Cronin and James Garabedian; Attorney Pamela Brown; Historic Preservation Commission candidate John Linz; Town Engineer Adrienne St. John; Conservation Administrator Elizabeth Bagdonas; Finance Committee member Ben Thomas; Planning Board members Amy Lloyd and Jeff Cohen; Laura Bullock; Diane Hughes; Bill Simons; Elizabeth Cowles; Meredith McCullough, Press Representative; Brian Dorrington, Bedford TV.

Chair Fleischman called the meeting to order at 7:30 p.m.

**15-156 Public Hearing Request for All Alcohol License
 Blackbeard Enterprises, LLC dba Ken’s NY Deli
 72 The Great Road**

Mr. Rosenberg made a motion to open the Public Hearing to discuss the Request for an All Alcohol License for Blackbeard Enterprises, LLC dba Ken’s NY Deli, 72 The Great Road. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Attorney Pamela Brown explained that Ken’s NY Deli was seeking to expand their premises and change their license type from Wine and Malt to all alcohol.

Ken’s NY Deli is expanding into the space previously operated by Wicked Good Frozen Yogurt. The new space is intended to be a sit down Italian café style with table service. It will be separate from the current space by a pocket door and will have an entirely different menu. A bartender will be present on the Italian café side and they are hoping to have a full bar option on that side. Drinks could be ordered from the original space but it would not be advertised on that menu. Owner and Manager, John Cronin, felt that the dining experience may be hindered without an alcohol license. The prep kitchen and cooking line will be used for both sides of the restaurant. The original Ken’s space attracts a good crowd for lunch but not dinner and they are hoping the new menu on the café side will draw in the dinner crowd. This side will be only open for dinner at 4:00 p.m. Ken’s is looking to begin operation on the Italian café side on March 1, 2015. They will market this new option using social media, newspaper advertisements and mass mailings.

The new space will have an additional 27 seats in the winter with two seats moved outside in the summer. An additional four seats will be moved outside from the original Ken’s space for a total

of six seats outside seasonally. There will be no table service provided to the outdoor seating. It will be sectioned off with poles and rope from the rest of the sidewalk.

Mr. Rosenberg made a motion to close the Public Hearing. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**15-157 Requests for All Alcohol License Decision
Red Heat Tavern of Bedford, LLC dba Red Heat Tavern – 150 Great Road
Blackbeard Enterprises, LLC dba Ken’s NY Deli – 72 The Great Road**

There is one all alcohol license available and two applicants, Ken’s NY Deli and Red Heat Tavern. The Selectmen conducted a public hearing for Red Heat Tavern at their January 5, 2015 meeting. Mr. Reed distributed a memorandum from Town Counsel and draft motions for the Selectmen to consider. If the license were granted to Ken’s there would be two all alcohol licenses at the Blake Block with one license per 5,000 square feet. If the license were granted to Red Heat Tavern there would be three all alcohol licenses at the Bedford Marketplace or 1 per 50,000 square feet. Flatbread and Bamboo have roughly the same square footage as what Red Heat Tavern would have upon completion of construction.

Mr. Rosenberg asked what the process was for obtaining more all alcohol licenses. Mr. Reed responded that the Town would have to file a Home Rule petition at Town Meeting. If it passed Town Meeting then a bill has to be filed with the State Legislature. Once filed, the state would conduct public hearings. The entire process could take 7-12 months. Mr. Rosenberg asked how long the process took for the Town of Burlington. Mr. Reed said that their process was more complicated as this was the second time that they requested more licenses. The additional licenses that were granted had restrictions.

Mr. Moonan conducted a survey of current licensed establishments in Town to determine how the licenses were used and if there was bar service. Mr. Moonan also went to the Red Heat Tavern in Wilmington and reported that it had a very large operation and was essentially a sports bar that served food and not a restaurant that served liquor. Mr. Rosenberg does not think that is a major issue since Bedford’s Alcohol policy requires that food be served when any alcoholic drink is ordered. The noise level was loud and Mr. Moonan worried that the abutters may complain about the noise. He does not think that it is for the common good to have an establishment like this in the center of Town. Mr. Reed stated The Zoning Board of Appeals would address any noise restrictions.

Ms. Fleischman also went to Red Heat Tavern for lunch and thought that they had a number of seating options that would be beneficial to many different types of patrons. She thought it was important to add a restaurant like this to the community so residents do not have to go out of Town. Mr. Rosenberg added that there are no restaurants large enough in Town to hold events that benefit Bedford organizations.

Ms. Fedele reminded the Selectmen that Ken's NY Deli is also requesting an alteration of premises and that the Selectmen should not lose focus of that request when discussing the all alcohol license applications.

Mr. Moonan moved that the Selectmen approve a change of premise application for Blackbeard Enterprises, LLC dba Ken's NY Deli; such application approval to be contingent upon the condition that it will issue upon completion of such premise no later than March 31, 2015 in accordance to the plan submitted with the application and issuance of an amended special permit by the Town of Bedford Planning Board. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Attorney Pamela Brown requested that the Selectmen consider reserving a future license for Ken's NY Deli. The Selectmen did not want to reserve a license that does not exist to any business but approved waiving the Town's application fee if Ken's NY Deli were to apply for an available all alcohol license again within the next 18 months.

Ms. Fedele moved that the Selectmen grant an all-alcohol on-premise license to Red Heat Tavern of Bedford, LLC dba Red Heat Tavern based on the following findings of the Selectmen:

- 1. Presently, there are two (2) all-alcohol on-premise licensed restaurants at the Bedford Marketplace shopping center;**
- 2. When the current redevelopment of the Bedford Marketplace shopping center is completed there will be approximately 150,000 square feet of commercial/retail space will be available;**
- 3. That the public interest and need would be served by the grant of an additional all-alcoholic beverage license for this new restaurant at the Bedford Marketplace;**

Said grant of such license to be contingent upon the condition that it will issue upon completion of such premise no later than September 30, 2015 in accordance to the plan dated November 21, 2014 submitted with the application. Mr. Rosenberg seconded the motion.

The motion passed 4-1-0. Mr. Moonan voted against.

Ms. Fedele moved that the Selectmen deny without prejudice a change from a wine and malt to an all-alcohol on-premise license for Blackbeard Enterprises, LLC dba Ken's NY Deli based on the following findings of the Selectmen:

- 1. Presently, the applicant already possesses a wine & malt on-premise license at this location;**
- 2. There are already two licenses allocated to the approximate 10,000 square feet of commercial/retail space in the building located at 62 through 88 The Great Road, with one wine & malt on-premise license held by the applicant and an all-alcohol on-premise license issued for another restaurant in the same building**
- 3. There are no all-alcohol on-premises licenses available to issue based on the limits imposed by the Commonwealth for the population of the Town of Bedford;**

And further, that should the Town of Bedford be granted the ability to issue additional all-alcohol on-premises license within the next eighteen (18) months, the Town of Bedford

application fee will be waived for such a re-application. Mr. Siegenthaler seconded the motion.

The motion passes 5-0-0.

The Selectmen thanked Ken's NY Deli for their time and appreciated the new dining option that they will add to the Town.

15-158 Request for Common Victualler's License – Flik International Corporation at Oracle – 100 Crosby Drive

The Selectmen had approved the renewal of a Common Victualler's License in December for Guckenheimer operating at Oracle at 100 Crosby Drive. The cafeteria came under new management by Flik International Corporation but the Town Manager's Office was not informed of this change. Flik International Corporation already has the necessary permits from the Board of Health.

Mr. Siegenthaler moved the Selectmen grant a Common Victualler's License to Flik International Corporation operating at Oracle at 100 Crosby Drive. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

**15-159 Committee Appointment Interview
Historic Preservation Commission**

John Linz was interviewed for the vacancy on the Historic Preservation Commission (HPC). Mr. Siegenthaler explained that the HPC is responsible for the study of the natural environment and historic buildings outside of the Historic District and applying for grant applications to protect historic resources.

Mr. Linz has lived in Bedford for forty-five years and served on the Board of Assessors for many years. He is interested in the many historical aspects of the Town and wants to help protect these resources. He referenced the tax deferral program that was approved at Town Meeting five to six years ago. The program would encourage renovations to be done on older homes rather than tear them down. Taxes on the new value of renovated home would be phased in over five years. This program could be used in conjunction with the Demolition Delay Bylaw to reduce the number of teardowns. To his knowledge no one has applied for this program.

Chair Fleischman explained the Open Meeting Law, the Conflict of Interest Law, and the Rules of Civil Discourse. She also encouraged Mr. Linz to consider taking on a leadership role as chair in the future.

Mr. Siegenthaler moved that the Selectmen appoint John Linz to the Historic Preservation Commission with a term ending June 30, 2017. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

15-160 Proposed ad hoc Fawn Lake Committee

Town Engineer Adrienne St. John and Conservation Administrator Elizabeth Bagdonas presented a request to create an ad hoc Fawn Lake Committee. The committee would be charged with analyzing the methods presented by the CEI engineers to manage Fawn Lake. These methods would provide long term solutions to various issues at Fawn Lake. Ms. St. John and Ms. Bagdonas feel that it is important to have a committee providing opinions not just staff. The committee may have to be in place for a number of years as some of the solutions could take many years to implement and therefore it is recommended that the committee be established as an ad hoc committee rather than a subcommittee. The results from CEI should be received at the end of January, 2015 or in early February, 2015.

Mr. Rosenberg suggested removing the Community Preservation Committee member and reducing the number of at-large members to 4 for a total of 7 members. Members should have in interest in Fawn Lake and would ideally have attended some of the public meetings regarding the study. The VCC will be informed that they need to begin to look for members.

Mr. Rosenberg moved the Selectmen establish an ad hoc committee for the preservation and study of Fawn Lake with the following composition

- **One Conservation Commission representative**
- **One Selectmen representative**
- **One Historic Preservation Commission representative**
- **4 At-large members**

Ms. Fedele seconded the motion.

The motion passed 5-0-0.

15-161 Proposed FY2016 Operating Budget – Review of Finance Committee Guidelines for Selectmen Departments

Mr. Reed informed the Selectmen that staff is in the early stages of developing the operating budget for FY2016. The Selectmen departments will submit their budgets by January 16, 2015. The Finance Committee's guideline for the overall Selectmen's budget excluding insurance and benefits, principal and interest, Building Utilities/Energy, Road Surfacing, MWRA Sewer Assessment, Water Purchase, and the IT capital item would total \$15,510,907. If the IT capital items were included in the Selectmen's budget then the Selectmen's guideline would total \$15,475,907.

The proposed FY2016 merit article is a 2.25% adjustment which is 0.25% higher than last year in recognition that the salaries compared to other communities is lower by 5%.

Staff recommends the transfer of \$23,000 from the Cable Revolving Fund to the Facilities Revolving fund to cover the cost of providing the space in Old Town Hall to Bedford TV and other expenses at Old Town Hall. It was planned to transfer this money out since under the new PEG Access contract Bedford TV does not pay rent. The Cable Television Committee approved of this plan at their meeting last week.

15-162 Minutes - Regular Session Minutes – January 5, 2015

Mr. Moonan made a motion to approve the Regular Session Minutes of January 5, 2015 as amended. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Mr. Moonan recommended that minor changes to the minutes be sent to the Town Manager's office and more substantial content changes be discussed at the meeting.

15-163 Town Manager's Report

Mr. Reed reported that today was the final day for petitioner's articles to be submitted. One was submitted for a General Bylaw change to Article 26 – Cable Television Committee. A public hearing will be scheduled for this change. Mr. Reed passed out a list of proposed warrant articles, noting that he did not include one for obtaining more alcohol licenses. Ms. Fleischman stated that it should be placed on the upcoming Town Meeting Warrant since the process takes so long. Ms. Fleischman said it would be helpful to know how many to ask for and whether it would be beneficial to attach location restrictions to the new licenses. Mr. Reed stated that it is not necessary to add restrictions when requesting licenses the first time. Municipalities generally ask for more licenses than they hope to receive. The Selectmen asked that staff look into how many licenses other communities have.

Ms. Fleischman asked if an article concerning the placement of power lines underground would be included on this warrant. Mr. Reed said that staff is working on this but it will probably not be ready for this Town Meeting.

The Town received \$314, 503 more in Chapter 90 funds which will allow Bedford to do additional road resurfacing projects.

Mr. Reed announced that Council on Aging Director, Lori Dance has resigned after a leave of absence. She has relocated to England with her husband. A job advertisement will be posted in the next few days.

Bedford TV is looking to replace a laptop which was included in their capital plan for FY2015. The Selectmen will have to formally approve this request at their next meeting. The Cable Television Committee approved this expenditure up to \$1,900.

15-164 Open Discussion and Selectmen Liaison Reports

Mr. Moonan suggested that a letter be sent to Bedford's new US representative Seth Moulton informing him of the Town's concerns regarding Hanscom, the Coast Guard Housing and Massport. Chair Fleischman stated that she has been in contact with one of his aides and has invited Representative Moulton to a Selectmen's Meeting next time he is in the district. She thought that a letter may be helpful as well. Mr. Moonan suggested including the Coast Guard Charette with the letter.

Mr. Moonan asked the Selectmen if they should take a position tonight on the proposed MassDOT maintenance facility. The Selectmen agreed that they would not take a position until after the public meeting on Thursday, January 15, 2015. The Selectmen asked that this topic be placed on the agenda for the January 20th meeting.

Ms. Fedele reported that Fields Partnership is proposing that only one field be placed on the former St. Michael's property. The money would be better spent looking at the fields overall. This change will be presented to the Community Preservation Committee at their meeting tomorrow night.

The Planning Board discussed the Coast Guard RFP. They expressed concern regarding their stated level of commitment to a potential zoning change for the Coast Guard property.

Mr. Rosenberg referenced a letter from the Historic Preservation Commission stating Massachusetts Historic Commission can block state funding on projects when it threatens a historical site. Mr. Rosenberg suggested asking Town Counsel about this process.

Mr. Rosenberg said that someone has pulled nomination papers to run for the school committee vacancy at the March Town Election.

Mr. Rosenberg invited the Selectmen to attend the HATS meeting on January 22nd that will discuss the Transportation Management Plan and shuttle services to various businesses along Wiggins Avenue. Representatives from the City of Waltham will be present.

Ms. Fleischman stated that the Energy Task Force is in the process of updating the Town's Energy Plan that was adopted a few years ago but never implemented. The ETF hopes that the new policy will be more user friendly.

Ms. Fleischman will be attending the Zoning Board of Appeals meeting on January 22nd where they will be discussing the possibility of granting a special permit for a restaurant on Great Road. She asked the other Selectmen to send any questions they may have to her.

Mr. Moonan made a motion to adjourn. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

The meeting adjourned at 9:47 p.m.